

# **TITLE V COMPLIANCE TRAINING**

## **WORKSHOP MANUAL**

**Stationary Source Program  
Air Quality Division  
Idaho Department of Environmental Quality  
May 2003**

# **TABLE OF CONTENTS**

Section 1	Introduction to Title V
Section 2	Tier I Monitoring Reports
Section 3	Tier I Annual Compliance Certification
Section 4	Case Study: Example Permit
Section 5	Case Study: Chronology of Events
Section 6	Case Study: Semiannual Report
Section 7	Case Study: Annual Compliance Certification
Section 8	DEQ Actions



# **TIER I ANNUAL COMPLIANCE CERTIFICATIONS**



## Annual Compliance Certifications

- **Basis: IDAPA 58.01.01.322.11.a.**

**Which states:**

*“11. Periodic Compliance Certifications. Each Tier I operating permit shall require submittal of compliance certifications during the term of the permit for each emissions unit to the Department and the EPA as follows:*

*a. Compliance certifications for all emissions units shall be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department.”*

- **Incorporated into Tier I General Provisions - see General Provision 21**



## Annual Compliance Certifications

- **Basis: IDAPA 58.01.01.322.11.c.i**

**Which states:**

*“c. The compliance certification shall be in an itemized format providing the following information:*

*i. The identification of each term or condition of the Tier I operating permit that is the basis of the certification;”*





## Annual Compliance Certifications

- **Basis: IDAPA 58.01.01.322.11.c.ii**

**Which states:**

*“c. The compliance certification shall be in an itemized format providing the following information:*

*i. . . .*

*ii. The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required by the Tier I operating permit. If necessary, the owner or operator shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act which prohibits knowingly making a false certification or omitting material information;”*



## **Compliance Determination Methods**

- **As specified in the permit**
- **As described in the permit memo**
- **Other material information**



## Compliance Determination Methods (cont.) Other Material Information

- If known, “other material information” must be identified and addressed
- Merely emphasizes the general prohibition in section 113(c)(2) of the Act on knowingly making a false certification or omitting material information
- Similar to the term “other credible evidence” which refers to other “readily available information”
- Information that is readily available and already being utilized, such as engineering calculations, indirect emissions estimates, and direct measurement by various means, whether required to be collected by a regulation or permit, or for some other purpose
- No duty imposed to assess every possible piece of information that may have some undetermined bearing on compliance





## **Compliance Determination Methods (cont.)**

**For each compliance determination method, indicate whether data collected is:**

- **Continuous, or**
- **Intermittent**



## Continuous and Intermittent Data

- **Continuous data:** the results of monitoring, including the results of instrumental or noninstrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure that is designed to serve as monitoring on a continuous basis, provided: (1) the number of data records generated is equivalent to the number of averaging periods for the permit term and condition over the reporting period of the compliance certification, (2) the data have the same averaging period as the permit term and condition, and (3) the data are in the same units as the permit term and condition, or correlated directly with that permit term and condition.
- **Intermittent data:** data which are not continuous data.



## Annual Compliance Certifications

- **Basis: IDAPA 58.01.01.322.11.c.iii**

**Which states:**

*“c. The compliance certification shall be in an itemized format providing the following information:*

*i. . . .*

*ii. . . .*

*iii. The status of compliance with the terms and conditions of the Tier I operating permit for the period covered by certification, based on the method or means designated in Subsection 322.11.c.ii. above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and”*





## **Compliance Status Decisions**

**For each permit term or condition, indicate if compliance was:**

- **Continuous, or**
- **Intermittent**



## Compliance Status

- **Continuous compliance** means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations, and no other information that indicates deviations, except for upsets or malfunctions during which compliance is not required. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parameter monitors) and noninstrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring.
- **Intermittent compliance** means any form of compliance other than continuous compliance.





## **Tier I Annual Compliance Certification Forms**

- **Standard forms developed to:**
  - Streamline compliance
  - Minimize repetition
  - Enable cross-referencing to permit



## Tier I Annual Compliance Certification Forms (cont.)

- **Complete Annual Compliance Certification includes:**
  - ♣ Tier 1 Annual Compliance Certification, [AQ-C1](#)
  - ♣ Tier I Annual Compliance Certification Table, [AQ-C2](#)
  - ♣ Tier I Deviation Summary Table, [AQ-C3](#)



## **Semiannual Monitoring Report as Part of an Annual Compliance Certification**

- **The Annual Compliance Certification, Form AQ-C1, should clearly indicate that it includes the Semiannual Monitoring Report information**
- **The Annual Compliance Certification Table, Form AQ-C2, should be used to report the monitoring requirements**
- **Any additional monitoring information required to be included with the Semiannual Monitoring Report should be attached**



## Annual Compliance Certifications

- **Basis: IDAPA 58.01.01.322.11.c.iv**

### **Which states:**

*“c. The compliance certification shall be in an itemized format providing the following information:*

*i. . . .*

*ii. . . .*

*iii. . . .*

*iv. Such information as the Department may require to determine the compliance status of the emissions unit.”*





## Annual Compliance Certifications

- **Basis: IDAPA 58.01.01.322.11.d**

**Which states:**

*“All original compliance certifications shall be submitted to the Department and a copy of all compliance certifications shall be submitted to the EPA;”*



**Excerpt from IDAPA 58.01.01.**  
**Re: Periodic Compliance Certifications**

**IDAPA 58.01.01.322**

**11. Periodic Compliance Certifications.** Each Tier I operating permit shall require submittal of compliance certifications during the term of the permit for each emissions unit to the Department and the EPA as follows:

(5-1-94)

a. Compliance certifications for all emissions units shall be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)

b. The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards and work practices. (5-1-94)

c. The compliance certification shall be in an itemized format providing the following information:

(5-1-94)

i. The identification of each term or condition of the Tier I operating permit that is the basis of the certification; (4-5-00)

ii. The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required by the Tier I operating permit. If necessary, the owner or operator shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act which prohibits knowingly making a false certification or omitting material information; (4-5-00)

iii. The status of compliance with the terms and conditions of the Tier I operating permit for the period covered by certification, based on the method or means designated in Subsection 322.11.c.ii. above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and (4-5-00)

iv. Such information as the Department may require to determine the compliance status of the emissions unit. (4-5-00)

d. All original compliance certifications shall be submitted to the Department and a copy of all compliance certifications shall be submitted to the EPA; (5-1-94)

**Example of Tier I Operating Permit General Provision**  
**Re: Periodic Compliance Certification**

***Periodic Compliance Certification***

- 21. The permittee shall submit compliance certifications during the term of the permit for each emissions unit to the Department and the EPA as follows:
  - 21.1 Compliance certifications for all emissions units shall be submitted annually beginning 12 months from the permit issuance date, or more frequently if specified by the underlying applicable requirement or elsewhere in this permit by the Department;
  - 21.2 The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards, and work practices;
  - 21.3 The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):
    - 21.3.1 The identification of each term or condition of the Tier I operating permit that is the basis of the certification;
    - 21.3.2 The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required by this Tier I operating permit. If necessary, the owner or operator shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the CAA which prohibits knowingly making a false certification or omitting material information;
    - 21.3.3 The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in Paragraph 21.3.2 above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR 64 occurred;
    - 21.3.4 Such other facts as the Department may require to determine the compliance status of the source.
  - 21.4 All original compliance certifications shall be submitted to the Department and a copy of all compliance certifications shall be submitted to the EPA.

**[IDAPA 58.01.01.322.11, 5/1/94; 40 CFR 70.6(c)(5)(iii) as amended;  
62 Fed. Reg. 54900 and 54946, 10/22/97; 40 CFR 70.6(c)(5)(iv)]**

## **Clarification on “Other Material Information”**

Re: 2<sup>nd</sup> paragraph of Section II.K.2, of 62 FR 54900, October 22, 1997:

In addition, if the owner or operator knows of other material information (i.e., information beyond required monitoring that has been specifically assessed in relation to how the information potentially affects compliance status), that information must be identified and addressed in the compliance certification. This requirement merely emphasizes the general prohibition in section 113(c)(2) of the Act on knowingly making a false certification or omitting material information and the general criminal section on submitting false information to the government codified at 18 USC 1001. The revised part 70 provision does not impose a duty on the owner or operator to assess every possible piece of information that may have some undetermined bearing on compliance.

Re: page 3, Section C of Instructions for EPA Part 71 A-Comp form:

In addition, when making a determination of compliance status, § 71.6((c)(5)(iii)(B) requires you to consider all other material information you have in order to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information. The term “other material information” refers to information or knowledge you have, whether that information or knowledge is required to be collected by the permit or not. As used here, this term is similar to the term “other credible evidence,” which refers to non-reference test methods and other information “readily available” to you that the permit may, or may not, require you to collect. The term “readily available information” refers to information that is readily available and already being utilized, such as engineering calculations, indirect emissions estimates, and direct measurement by various means, whether this information is required to be collected by a regulation or permit, or for some other purpose (this information may also constitute “credible evidence” or “material information”). Therefore, it is possible for you to certify to continuous compliance, provided you collect the monitoring data consistent with the permit, the data show no deviations or that there are deviations but they are all excused by the permit, and you know of no other material information (or “credible evidence”) that would lead you to a different compliance status conclusion. For the data to be collected consistent with the permit, you would have to collect them consistent with any permit terms concerning the collection of the data. Such permit terms might, for example, impose a limit on the amount of missing or invalid data. If the amount of missing or invalid data were to increase above the limit imposed in the permit, the data would not have been collected consistent with the permit, and you would only be able to certify to intermittent compliance.



## Continuous and Intermittent Data

- **Continuous data:** the results of monitoring, including the results of instrumental or noninstrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure that is designed to serve as monitoring on a continuous basis, provided: (1) the number of data records generated is equivalent to the number of averaging periods for the permit term and condition over the reporting period of the compliance certification, (2) the data have the same averaging period as the permit term and condition, and (3) the data are in the same units as the permit term and condition, or correlated directly with that permit term and condition.
- **Intermittent data:** data which are not continuous data.



## Compliance Status

- **Continuous compliance** means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations, and no other information that indicates deviations, except for upsets or malfunctions during which compliance is not required. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parameter monitors) and noninstrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring.
- **Intermittent compliance** means any form of compliance other than continuous compliance.



## TIER I ANNUAL COMPLIANCE CERTIFICATION

FORM AQ-C1

### FACILITY INFORMATION

Facility/Permittee Name: \_\_\_\_\_  
Co-Permittee Name(s): \_\_\_\_\_  
Facility Location: \_\_\_\_\_  
AIRS Facility No.: \_\_\_\_\_  
Facility Contact: \_\_\_\_\_ Ph: \_\_\_\_\_ Fax: \_\_\_\_\_

### PERMIT AND COMPLIANCE INFORMATION

Tier I Operating Permit No.: \_\_\_\_\_ Issuance Date: \_\_\_\_\_  
Tier I Operating Permit No.: \_\_\_\_\_ Issuance Date: \_\_\_\_\_  
Compliance Reporting Period: From: \_\_\_\_\_ To: \_\_\_\_\_  
Is This Intended To Be A Semiannual Report Also? ☐ Yes ☐ No  
Deviations Reported This Period? ☐ Yes ☐ No

List of Attachments: ☐ Annual Compliance Certification Table (Form AQ-C2) No. of Pages: \_\_\_\_\_  
☐ Semiannual Deviation Summary Table (Form AQ-C3) No. of Pages: \_\_\_\_\_  
☐ Other: \_\_\_\_\_ No. of Pages: \_\_\_\_\_  
\_\_\_\_\_ No. of Pages: \_\_\_\_\_  
\_\_\_\_\_ No. of Pages: \_\_\_\_\_  
\_\_\_\_\_ No. of Pages: \_\_\_\_\_  
\_\_\_\_\_ No. of Pages: \_\_\_\_\_  
\_\_\_\_\_ No. of Pages: \_\_\_\_\_

### **Certification of Truth, Accuracy, and Completeness (by Responsible Official)**

I hereby certify that based on information and belief formed after reasonable inquiry, the statements and information contained in this and any attached and/or referenced document(s) are true, accurate, and complete in accordance with IDAPA 58.01.01.123-124.

\_\_\_\_\_  
Responsible Official Signature Responsible Official Title Date

\_\_\_\_\_  
Print or Type Responsible Official Name

\_\_\_\_\_  
Co-Permittee Responsible Official Signature Co-Permittee Responsible Official Title Date

\_\_\_\_\_  
Print or Type Co-Permittee Responsible Official Name

# INSTRUCTIONS FOR TIER I ANNUAL COMPLIANCE CERTIFICATION

FORM AQ-C1

In accordance with IDAPA 58.01.01.322.11, compliance with Tier I operating permits requires submission of an Annual Compliance Certification. The permittee may comply with these requirements by submitting completed copies of this Annual Compliance Certification (Form AQ-C1), the Annual Compliance Certification Table (Form AQ-C2), and the Semiannual Deviation Summary Table (Form AQ-C3) to DEQ and EPA Region 10. As these forms incorporate the reporting requirements of the Semiannual Report (see IDAPA 58.01.01.322.08), a separate submittal of a Semiannual Report (Forms AQ-C4 and AQ-C5) is not required when the Annual Compliance Certification is due.

## Facility Information:

Enter the facility-specific information as indicated at the top of the form.

## Permit and Compliance Information:

Tier I Operating Permit No. and Issuance Date:

Enter the permit no. and issuance date as it appears on the issued Tier I operating permit. If there was another Tier I operating permit in effect during the reporting period (a permit could have been modified during the reporting period), insert the additional permit information on the second line.

Compliance Reporting Period:

Enter the time period which is addressed by this Annual Compliance Certification (e.g., January 10, 2003 to January 9, 2004).

Is this certification intended to be a Semiannual Report also?

Check either yes or no to indicate if this certification is intended to be a Semiannual Report. If yes, this certification must meet the requirements for a Semiannual Report (IDAPA 58.01.01.322.08) in addition to the requirements for an Annual Compliance Certification (IDAPA 58.01.01.322.11). If this Annual Compliance Certification is also a Semiannual Report, the Semiannual Report does not need to be submitted. The Semiannual Report information can be provided on the Annual Compliance Certification Table (Form AQ-C2) and, if necessary, the Semiannual Deviation Summary Table (Form AQ-C3).

Deviations Reported this Period:

Check either yes or no to indicate if any deviations from permit conditions are being reported for the given reporting period. For an Annual Compliance Certification, consider the entire annual interval, not just the most recent semiannual reporting period. If the answer is yes for the most recent six-month reporting period, then attach the Semiannual Deviation Summary Table (Form AQ-C3) to this Annual Compliance Certification.

List of Attachments:

Check the box for each attachment included with this certification. If additional information has been included to supplement the required Tables, please check the "Other" box. Include a title for each attachment provided and indicate the number of pages each attachment contains.

## Responsible Official Certification:

The responsible official must sign a certification of truth, accuracy, and completeness for an Annual Compliance Certification. Without this certification, the Annual Compliance Certification does not meet the requirements of IDAPA 58.01.01.123, 322.08.c or 322.15.q. Note that the Co-Permittee Responsible Official signature applies only to the U.S. Department of Energy (INEEL).

A responsible official can be any of the following:

- For a corporation: the president, secretary, treasurer, or vice-president.
- For a partnership or sole proprietorship: the general partner or the proprietor.
- For a municipality, state, federal, or other public agency: the principal executive officer or ranking elected official.

[IDAPA 58.01.01.006.86]

Please note that:

1. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under any permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125]

2. No person shall knowingly render inaccurate any monitoring device or method required under any permit, or any applicable rule or order pursuant thereto.

[IDAPA 58.01.01.126]

## Mailing Instructions:

Submit the completed Annual Compliance Certification to the DEQ Regional Office and the U.S. EPA Region 10 office listed in the facility-wide section of your Tier I Operating Permit. Be sure to also include copies of the Tables and all attachments.

# TIER I ANNUAL COMPLIANCE CERTIFICATION TABLE

FORM AQ-C2

Facility/Permittee Name: \_\_\_\_\_ Tier I Operating Permit No.: \_\_\_\_\_  
Facility Location: \_\_\_\_\_ Issuance Date: \_\_\_\_\_  
AIRS Facility No.: \_\_\_\_\_ Compliance Reporting Period: \_\_\_\_\_

1 Permit Condition	2 Compliance Determination Methods	3 Monitoring Frequency  C <sup>1</sup> , I <sup>2</sup> , or N/A <sup>3</sup>	4 Deviations and Excess Emission Events	5 Permit Condition Compliance Status  C <sup>1</sup> / I <sup>2</sup>	6 Attachment

# INSTRUCTIONS FOR TIER I ANNUAL COMPLIANCE CERTIFICATION TABLE

FORM AQ-C2

The Annual Compliance Certification must address all terms and permit conditions that were applicable during the reporting period. To comply with the requirements of IDAPA 58.01.01.322.11, complete an Annual Compliance Certification Table (Form AQ-C2) for each Tier I operating permit that was effective during the reporting period. If more than one Tier I operating permit existed during the reporting period, do not repeat information that is identical between the permits. For example, if the Tier I operating permit was amended or modified during the reporting period, include all permit conditions on the Annual Compliance Certification Table (Form AQ-C2) for the most recently issued permit. For the Annual Compliance Certification Table (Form AQ-C2) completed for the preceding permit (i.e., the permit that was amended or modified), enter only those permit conditions that are different (i.e., not identical) from the permit conditions in the permit that it replaced.

## Column 1: Permit Condition Number

Enter the number of each permit condition or term exactly as it appears in the Tier I permit.

## Column 2: Compliance Determination Methods

Identify the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required by the Tier I operating permit; this includes at a minimum any testing and monitoring methods identified in the Tier I permit that were conducted during the relevant time period. The owner or operator may cross-reference the permit or previous reports to identify the various information elements required in a certification. This allows the certification to be a short, concise compliance statement that is not burdened by restating detailed information that has already been provided.

If necessary, the owner or operator shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information. Other material information includes information beyond required monitoring that has been specifically assessed in relation to how the information potentially affects compliance status. This requirement does not impose a duty on the owner or operator to assess every possible piece of information that may have some undetermined bearing on compliance. If other material information is specified as a compliance determination method, also indicate in Column 2 if the monitoring frequency is continuous or intermittent.

## Column 3: Monitoring Frequency

Indicate whether the data collected using the compliance determination method in Column 2 provided continuous or intermittent data. For example, if the permit condition requires the installation, calibration, maintenance and operation of a NO<sub>x</sub> CEMS, then the monitoring frequency would most likely be "continuous." If the permit condition requires an annual performance test for PM-10, then the frequency would be "intermittent." In this column of the Table, enter "C" for continuous, "I" for intermittent, and "N/A" if monitoring frequency is irrelevant for the particular permit condition.

Continuous data means the results of monitoring, including the results of instrumental or noninstrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure that is designed to serve as monitoring on a continuous basis, provided: (1) the number of data records generated is equivalent to the number of averaging periods for the permit term and condition over the reporting period of the compliance certification, (2) the data have the same averaging period as the permit term and condition, and (3) the data are in the same units as the permit term and condition, or correlated directly with that permit term and condition. Intermittent data means data which are not continuous data.

## Column 4: Deviations and Excess Emissions Events

Identify each deviation and excess emissions event associated with the Permit Condition in Column 1 that occurred during the Annual Compliance Certification reporting period. As noted above, the owner or operator may cross-reference previous reports to identify the various information elements required in a certification (e.g., "Refer to Excess Emission Reports dated 10/17/02, 10/18/02, 4/8/03, and 4/15/03; and Semiannual Deviation reports dated 4/20/03 and 10/20/02"). This allows the certification to be a short, concise compliance statement that is not burdened by restating detailed information that has already been provided.

## Column 5: Compliance Status

The purpose of Column 5 is to report the status of compliance with the permit condition for the period covered by the certification, based on the method or means designated in Column 3. Enter the compliance status for each term and condition of the permit for the term covered by the Annual Compliance Certification by indicating whether compliance during the period was continuous (C) or intermittent (I). Each deviation identified during the reporting period shall be taken into account when determining the compliance status. If the emissions unit is subject to the CAM requirements of 40 CFR Part 64, then the compliance status decision should also identify as possible exceptions to compliance any periods during which an excursion or exceedance occurred.

Continuous compliance means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations, and no other information that indicates deviations, except for those upsets or malfunctions during which compliance is not required pursuant to the underlying applicable requirement. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parameter monitors) and noninstrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring. Intermittent compliance means any form of compliance other than continuous compliance.

## Column 6: Attachments

Indicate if additional information is attached to aid the compliance determination. If multiple attachments are included, label each attachment as it applies to the respective permit condition. In Column 6 of Form AQ-C2, provide an identifier (A, 1, or similar) that clearly links the attachment to the permit condition. The attachment should also contain the unique identifier and the name or label of the attachment as it applies to the permit condition. Clearly indicate how the attachment applies to Columns 2, 3, 4, and 5 of Form AQ-C2.